APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,629	12/05/2001	Larry W. Hinderks	3593-24	1968

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EXAMINER
JUNG, MIN

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 December 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bhagavath et al., US 6,505,169 (Bhagavath).

Bhagavath discloses a method for adaptive ad insertion in streaming multimedia

content. Regarding the present claims, Bhagavath teaches a point-to-multipoint IP

multicast content distribution network, wherein a system for insertion of national

advertisements or other content into one or more nationally distributed IP multicast

content steams (see Fig. 2, and col. 3, lines 3-5), comprising: a program content source

providing one or more multicast program content streams for distribution (the source is

not specifically shown in the Fig. 2, but is inherent, it is talked about at col. 5, lines 60-

63); a programmable steam server, the server converting a multicast program content

stream from one or more content stream encoders into IP multicast format (streaming

multimedia servers 101, col. 3, lines 7-11, although an encoder is not specifically

discussed, it is considered inherent since encoding is a must-have step for streaming

media to be transmitted to IP network); and an advertisement insertion device array

comprising one or more advertisement insertion devices, wherein an advertisement

insertion device of the array replaces packets of data received from the stream server

and/or inserts packets of data into a data stream received from the stream server, the

inserted and replacement data packets comprising video and/or audio advertisement

content for distribution (col. 3, lines 41-48, and col. 4, line 23 – col. 5, line 19).

Bhagavath fails to specifically teach satellite communication system as a part of

the communication network utilized. Bhagavath, however, discusses implementing IP

network 103 using cable, fiber, and wired or wireless transmission media. Bhagavath

further states that such varied use of media singly or in combination is known in the art

and not discussed herein. Thus, Bhagavath provides enough teaching to embrace and

utilize any kind of transmission medium in implementing the communication method as

taught. Bhagavath further fails to specifically teach an encoder providing digital

conversion and compression. As stated earlier, encoding would be an inherent step for

streaming media to be transmitted on to IP network, and it is well known in the art that

compression is accompanied in the encoding step. Therefore, it would have been

obvious for one of ordinary skill in the art at the time of the invention to implement the

present system by employing a satellite link as a part of the communication network as

suggested by Bhagavath, and by specifically including a encoding and compression

function for converting the streaming media to be transmitted on the IP network since

these are well known functions for adapting the steaming media to fit in IP protocol.

Bhagavath fails to specifically teach steam server including a programmable user

interface and sufficient memory. However, it would have been obvious for one of

ordinary skill in the art at the time of the invention to include a user interface and a

sufficient memory to provide a user friendly system and to have a memory to store the program content since any person of ordinary skill in the art would recognize the need for such functions.

Bhagavath teaches advertisement insertion devices being connected to a separate advertisement distribution tracking and billing system (billing server 113), and computer system including an advertisement storage file memory device (ad server 111), and a network interface device for communicating with the stream server and the content distribution network (intermediate link between the streaming multimedia server 101 and the AT&T global IP network would read on this limitation).

Bhagavath fails to specifically teach an advertisement insertion device comprising a computer system including a display monitor and a keyboard input for providing a user interface. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to provide a input and output device at the POP since providing input and output mechanism (such as computer having a display and a keyboard) at the POP would be no more than employing well known idea at the point of presence.

Bhagavath teaches that advertisement insertion is done in response to advertisement triggering code embedded in the received data stream (col. 3, lines 46-48).
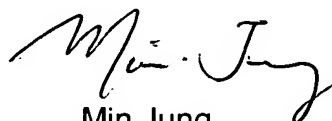
Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Srinivasan et al. patent, the Brandt et al. patent, the Swix et al. patent, and the Ficco patent are cited for further references.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday through Friday 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
February 14, 2006

Min Jung
Primary Examiner